

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:13-CR-335-BO-1

MELLENDEZ VERLEZ HARGROVE,)
Petitioner,)
v.) O R D E R
UNITED STATES OF AMERICA,)
Respondent.)

This matter is before the Court on petitioner's motion to amend or alter judgment.

Petitioner asks the Court to revisit its prior dismissal of his motion to vacate, set aside, or correct pursuant to 28 U.S.C. § 2255. On August 20, 2018, the Court dismissed petitioner's § 2255 motion. Petitioner filed the instant motion on July 9, 2020.

This Court may not grant petitioner leave to file a second or successive § 2255 petition. "Before a second or successive [section 2255 petition] is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(3)(A); see also 28 U.S.C. § 2255(h).

Because he has previously sought habeas corpus relief, the Court is without jurisdiction to consider the motion without petitioner first obtaining authorization from the United States Court of Appeals for the Fourth Circuit. Accordingly, the Court directs the Clerk to file this motion with the Fourth Circuit Court of Appeals.

SO ORDERED, this the 14 day of September, 2020.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE